



A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING THE UPDATE IN THE U.S. DEPARTMENT OF THE INTERIOR REGULATIONS THAT PROVIDE GUIDANCE AND CONTROLS FOR THE POSSESSION AND TRANSPORTATION OF FIREARMS IN NATIONAL PARK AREAS AND NATIONAL WILDLIFE REFUGES, TO REFLECT CURRENT STATE LAWS AUTHORIZING THE POSSESSION OF CONCEALED FIREARMS, WHILE MAINTAINING EXISTING REGULATORY PROVISIONS THAT ENSURE VISITOR SAFETY AND RESOURCE PROTECTION; AND URGING THE MONTANA ATTORNEY GENERAL, IF IT IS DETERMINED THAT THE ATTORNEY GENERAL HAS STANDING, TO INTERVENE ON BEHALF OF THE STATE IN LAWSUITS THAT SEEK TO BLOCK THE UPDATED REGULATIONS.

WHEREAS, on December 5, 2008, the Assistant Secretary of the Interior for Fish and Wildlife and Parks announced that the Department of the Interior had finalized updated regulations governing the possession and transportation of firearms in national parks and wildlife refuges; and

WHEREAS, a notice proposing adoption of this regulatory change and requesting public comment was first posted in the Federal Register on April 30, 2008, in Volume 73, Number 84; and

WHEREAS, following the public comment period, final regulations were posted in the Federal Register formally adopting these regulations on December 10, 2008, in Volume 73, Number 238; and

WHEREAS, the new regulations allow possession of concealed weapons consistent with the state laws of the state in which the public land is located; and

WHEREAS, Article II, section 12, of the Montana Constitution preserves the right of any person to bear arms in self-defense and provides that the right may not be called in question; and

WHEREAS, Montana law specifically permits qualified persons to carry concealed weapons and regulates the activity in sections 45-8-321 through 45-8-330, MCA; and

WHEREAS, the regulation change by the Department of the Interior has updated federal policy regarding self-defense on public lands to more accurately reflect Montana culture and Montana law authorizing the possession of concealed firearms; and

WHEREAS, following finalization of the regulations by the Department of the Interior, several groups filed suit in federal court in Washington, D.C., in an attempt to block the updated regulations, including the Brady Campaign to Prevent Gun Violence, the National Parks Conservation Association, and the Coalition of National Park Service Retirees.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Senate and the House of Representatives strongly support the updated regulation by the U.S. Department of the Interior regarding the possession and transportation of firearms in national park areas and national wildlife refuges and ardently oppose the attempts to block the updated federal regulation in federal court.

(2) That the updated federal regulation be affirmed as more consistent with Montana culture and Montana law than the prior regulation.

(3) That the Montana Attorney General, if the Attorney General determines that the Attorney General has standing, be strongly urged to intervene on behalf of the state and Montana citizens in the lawsuits filed to block the updated federal regulation in order to assert and protect the rights and prerogatives of the people of Montana.

(4) That the Montana Governor be urged to support this resolution.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the Governor of Montana, and the Montana Attorney General within 10 days of adoption of this resolution.

- END -

I hereby certify that the within joint resolution,
HJ 0014, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE JOINT RESOLUTION NO. 14

INTRODUCED BY WARBURTON, HINKLE, T. BROWN, CURTISS, SMITH, REGIER, RANDALL, BERRY,
STAHL, BUTCHER, K. PETERSON, TAYLOR, MCNUTT, MORE, MCGILLVRAY, MACLAREN, NOONEY,
O'HARA, BELCOURT, HOVEN, ROUNDSTONE, BEAN, KERNS, SONJU, ROBERTS, D. BROWN,
HOLLANDSWORTH, BONIEK, VANCE, WASHBURN, REICHNER

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